IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 5559 of 2005

MAFAT SINGH RAO & ANR.
V/S
GULAB CHAND MEHTA & ANR.

Mr. BR MEHTA, for the appellant / petitioner

Mr. HIMANSHU MAHESHWARI, for the respondent

Date of Order : 30.8.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

The matter comes up for consideration of stay petition.

I find that vide order dt. 21.9.2005 while issuing notice for final disposal, further proceedings were stayed, and thereafter vide order dt. 13.7.2006, after hearing the respondent the writ petition was admitted, and further proceedings were ordered to remain stayed. In these circumstances there is no occasion for listing the matter again for considering the stay. However, at this stage learned counsel for the respondent submits that let the writ petition itself be allowed, and the order dt. 1.9.2005 be set aside, and let the suit be tried as a regular suit.

In that view of the matter, the writ petition is allowed. The impugned order is set aside, and the learned

trial court is directed to try the suit as a regular suit instead of summary suit. The parties are directed to appear before the learned trial court on 26.9.2007, and the learned trial court is directed to proceed with the trial of the suit thereafter most expeditiously.

(N P GUPTA),J.

/sushil/